

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES SMITH, *et al.*,

Plaintiffs,

v.

WASHINGTON AREA HUMANE
SOCIETY, *et al.*,

Defendants.

Civil Action No. 2:19-cv-1672

Hon. William S. Stickman IV

ORDER OF COURT

AND NOW, this 2nd day of November, 2020, Defendants', Washington Area Humane Society, Glen Thomson and Maranda Combs', Motion for Clarification (ECF no. 23) is GRANTED and the Court hereby clarifies its October 29, 2020, Memorandum granting in part and denying in part Defendants' Motion to Dismiss as follows:

- Per Plaintiffs' representation in their Opposition to Defendants' Motion to Dismiss (ECF No. 18, n. 1), Plaintiffs have abandoned all claims against Defendant Combs, as well as Count VII (Intentional Infliction of Emotional Distress ("IIED")) as to all Defendants. Defendant Combs is, therefore, dismissed from this case. The Court's Memorandum held that Plaintiffs failed to plead a plausible claim for IIED. In light of their abandonment, the dismissal of Count VII is with prejudice. Plaintiffs also advised that they do not intend on seeking an award of punitive damages against WAHS.

- All claims against Defendant Thomson, who is deceased, are dismissed for failure of Plaintiffs to move to substitute within 90 days of the April 16, 2020, suggestion of death. (ECF No. 20). Defendant Thomson is dismissed from this case.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W. S. Stickman IV", written over a horizontal line.

WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE